

March 2017 | Supplemental Mitigation Monitoring and Reporting Program
State Clearinghouse No. 1994071005

TUSTIN LEGACY SPECIFIC PLAN AMENDMENT

City of Tustin

Prepared for:

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1. Introduction

1.1 PURPOSE OF MITIGATION MONITORING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) has been developed to provide a vehicle by which to monitor mitigation measures and conditions of approval outlined in the Draft Supplemental Environmental Impact Report (DSEIR), State Clearinghouse No. 1994071005. The Mitigation Monitoring Program has been prepared in conformance with Section 21081.6 of the Public Resources Code and City of Tustin Monitoring Requirements. Section 21081.6 states:

(a) When making the findings required by paragraph (1) of subdivision subsection (a) of Section 21081 or when adopting a mitigated negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21080, the following requirements shall apply:

(1) The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead agency or a responsible agency, prepare and submit a proposed reporting or monitoring program.

(2) The lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.

(b) A public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures. Conditions of project approval may be set forth in referenced documents which address required mitigation measures or, in the case of the adoption of a plan, policy, regulation, or other public project, by incorporating the mitigation measures into the plan, policy, regulation, or project design.

(c) Prior to the close of the public review period for a draft environmental impact report or mitigated negative declaration, a responsible agency, or a public agency having jurisdiction over natural resources affected by the project, shall either submit to the lead agency complete and detailed performance objectives for mitigation measures which would address the significant effects on the environment identified by the responsible agency or agency having jurisdiction over natural resources affected by the project, or refer the lead agency to appropriate, readily available guidelines or reference documents. Any mitigation measures

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submitted to a lead agency by a responsible agency or an agency having jurisdiction over natural resources affected by the project shall be limited to measures which mitigate impacts to resources which are subject to the statutory authority of, and definitions applicable to, that agency. Compliance or noncompliance by a responsible agency or agency having jurisdiction over natural resources affected by a project with that requirement shall not limit the authority of the responsible agency or agency having jurisdiction over natural resources affected by a project, or the authority of the lead agency, to approve, condition, or deny projects as provided by this division or any other provision of law.

The MMRP will serve to document compliance with adopted/certified mitigation measures that are formulated to minimize impacts associated with future development that would be accommodated by the Tustin Legacy Specific Plan Amendment.

1.2 BACKGROUND

1.2.1 Adopted MCAS Tustin Specific Plan

Specific plans act as a bridge between a general plan and individual development proposals. Jurisdictions may adopt specific plans by resolution or ordinance. The MCAS Tustin Specific Plan (Adopted Specific Plan) was adopted by ordinance on February 3, 2003, and established the zoning for the 1,606-acre project area. It also established the necessary plans, development standards, regulations, infrastructure requirements, design guidelines, and implementation programs on which subsequent, project-related development is founded. It is intended that local public works projects, design review plans, detailed site plans, grading and building permits, or any other action requiring ministerial or discretionary approval applicable to the project area be consistent with the Specific Plan. The Specific Plan was amended six times between 2010 and 2014 in response to changing market conditions. In 2011, the City developed a “disposition strategy” as a recommended framework for future development in the project area. Most recently, the City used the strategy to facilitate three projects in the area with The Irvine Company, Saint Anton, and Standard Pacific, resulting in the development of market rate and affordable apartments and single family development..

1.2.2 Previous Environmental Documentation

Final Environmental Impact Statement/Final Environmental Impact Report for the Disposal and Reuse of MCAS Tustin

A final environmental impact statement/final environmental impact report (“2001 FEIS/EIR,” SCH# 94071005) was prepared for the disposal and reuse of the MCAS Tustin and certified by the Tustin City Council on January 16, 2001 (Resolution 00-90). The Tustin City Council adopted General Plan Amendment 00-001, which incorporated the Reuse Plan land use designations into the General Plan for the portion of MCAS in the City of Tustin. On March 2, 2001, a Record of Decision was issued by the US Navy approving the 2001 FEIS/EIR and Reuse Plan. The 2001 FEIS/EIR analyzed the consequences of the Navy disposal and local community reuse of the MCAS Tustin site per the Reuse Plan and the MCAS Tustin Specific Plan/Reuse Plan (Adopted Specific Plan or Adopted Project) in accordance with CEQA and the National Environmental Policy Act. The analysis covered the entire 1,606 acres of the project area in both the Tustin

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and Irvine. The project included implementation actions that the cities were required to fulfill on the MCAS Tustin Specific Plan/Reuse Plan, including the adoption of the MCAS Tustin Specific Plan/Reuse Plan and MCAS Tustin Redevelopment Plan by the City of Tustin. The preferred reuse plan analyzed in the 2001 FEIS/EIR allowed up to 11.4 million square feet of nonresidential land uses and 4,601 residential units across both jurisdictions. Pursuant to the implementation actions, the Tustin City Council adopted the MCAS Tustin Specific Plan/Reuse Plan on February 3, 2003 (Ordinance No. 1257).

Since certification of the 2001 FEIS/EIR, the City has prepared one supplement and two addenda to the 2001 FEIS/EIR, and has certified or adopted multiple CEQA documents for amendments to the MCAS Tustin Specific Plan and development projects in the Tustin Legacy area. The purpose and application of the supplement and addenda are summarized below. The original 2001 FEIS/EIR, the supplement, and the addenda are collectively referred to herein as the “FEIS/EIR.”

2004 Supplemental EIR

The “Supplemental EIR to the Final EIS/EIR for the Disposal and Reuse of Marine Corps Air Station, Tustin, California: Extension of Tustin Ranch Road between Walnut Avenue and the Future Alignment of Valencia North Loop Road” (“2004 SEIR,” SCH# 1994071005) was certified on December 6, 2004. It analyzed the impacts of a one-mile extension of Tustin Ranch Road from Walnut Avenue on the north to the future alignment of Valencia North Loop Road on the south. The segment included an overpass spanning the Orange County Flood Control District right-of-way, the Orange County Transportation Authority / Southern California Regional Rail Authority railroad right-of-way, and Edinger Avenue.

The 2004 SEIR determined that there were no substantial changes in the existing conditions or new significant environmental impacts associated with aesthetics, agriculture resources, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, population and housing, public services/utilities, and recreation. The 2004 SEIR focused on three environmental topics: transportation/traffic, air quality, and noise. Mitigation measures were adopted for all three topic areas. The significant unavoidable adverse impacts remained with respect to air quality (construction-related and long-term emissions) and traffic (intersections of Tustin Ranch Road/Walnut Avenue and Jamboree Road/Barranca Parkway), and the 2004 SEIR relied on the statement of overriding considerations adopted with certification of the 2001 FEIS/EIR.

2006 Addendum

On April 3, 2006, the City certified the “MCAS Tustin Zone Change (Specific Plan Amendment) 05-002, Master Developer Disposition and Development Agreement, and Development Plan Addendum to the Final Environmental Impact Statement/Environmental Impact Report for the Disposal and Reuse of the MCAS Tustin” (“2006 Addendum”). The Specific Plan Amendment reduced permitted nonresidential development in the project area by about one million square feet to approximately 10.4 million square feet, but retained the same number of residential units—i.e., 4,601. The zone change adjusted the planning area boundaries and redistributed or eliminated planned land uses, but did not increase the overall development potential or residential capacity allowed under the Specific Plan. The Disposition and Development agreement was made to facilitate the sale, leasing, and development of Tustin Legacy.

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2013 Addendum

An addendum to the FEIS/EIR was prepared to process General Plan Amendment 2013-001, Specific Plan Amendment 2013-001, Development Agreement 2013-002, and an Agreement for Exchange of Real Property between the City and South Orange County Community College District on 22 acres. The land transfer was in the western part of the Specific Plan area near the intersection of Red Hill Avenue and Valencia Avenue. The project added a new local street, Bell Avenue (now named Victory Road between Red Hill Avenue and Armstrong Avenue), to service adjacent uses; added an allowable land use (private for-profit noneducational uses); and increased allowable building square footages in the education village (Neighborhood A).

Subsequent Environmental Review

The FEIS/EIR was a Program EIR that was intended as the CEQA compliance for future development consistent with the MCAS Tustin Specific Plan. The FEIS/EIR analyzed a multiyear development period for the planned urban reuse project (now called “Tustin Legacy”). As individual development projects were proposed in the Specific Plan area, the City (lead agency) determined whether the environmental impacts of individual activities were fully analyzed in the FEIS/EIR. The City could approve projects that were within the scope of the project as analyzed by the FEIS/EIR. The City would then determine the appropriate level of CEQA review.

Adopted MMRP

Included in the resolutions related to the aforementioned CEQA documents (i.e., Resolution Nos. 00-90, 04-77, 06-43, and 13-32) was a requirement for a MMRP for the Disposal and Reuse of MCAS Tustin. The 2016 Annual Mitigation Monitoring and Status Report for the Final Joint Environmental Impact Statement/Environmental Impact Report (As modified by Final Supplement #1 and Addendum to FEIS/EIR) includes a status report related to the current implementation status of each adopted mitigation measure. This status report is prepared annually or biannually.

1.3 PROJECT SUMMARY

The proposed project, the Tustin Legacy Specific Plan Amendment (“Modified Project”) is a revision of the Adopted Specific Plan. The Modified Project includes the Tustin Legacy Specific Plan Amendment (2015-001) and General Plan Amendment (2015-002). Tustin Legacy Specific Plan Amendment will guide development of the remaining undeveloped Specific Plan area in the City of Tustin. These remaining parcels would be sold, leased, or developed by the City. Eventually these parcels would be developed by a number of landowners within the framework established by the Tustin Legacy Specific Plan. The Specific Plan Amendment calls for a range of residential product types as well as education, commercial, commercial/business, entertainment/recreation, and park land uses. The General Plan Amendment would include minor text amendments to ensure consistency with the proposed Specific Plan Amendment.

Buildout of the Modified Project would encompass 6,813 residential units and 9,532,419 nonresidential square feet. This is 2,212 more residential units and 1,755,306 fewer square feet than the Adopted Specific Plan.

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1.4 PROJECT LOCATION

The Modified Project is in an urbanized area in the southern portion of the City of Tustin and the northwest portion of the City of Irvine in Orange County, California. The 1,606-acre project area includes 1,511 acres in Tustin and approximately 95 acres in Irvine. The major roadways that border the site are Red Hill Avenue on the west, Edinger Avenue on the north, Harvard Avenue on the east, and Barranca Parkway on the south. Jamboree Road transects the site and provides access to the State Route 261 (SR-261) which is a toll road.

Regional access to the project area is also provided by State Route 55 (SR-55) via Edinger Avenue/Newport Avenue and Barranca Parkway/Dyer Road to the northwest and by Interstate 5 (I-5) via Red Hill Avenue, Tustin Ranch Road, and Jamboree Road to the northeast.

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2. Mitigation Monitoring Requirements

2.1 MITIGATION MONITORING PROGRAM ORGANIZATION

CEQA requires that a reporting or monitoring program be adopted for the conditions of project approval that are necessary to mitigate or avoid significant effects on the environment (Public Resources Code 21081.6). The mitigation monitoring and reporting program is designed to ensure compliance with adopted mitigation measures during project implementation. For each mitigation measure recommended in the DSEIR, specifications are made herein that identify the action required and the monitoring and reporting that must occur. In addition, a responsible agency is identified for verifying compliance with individual conditions of approval contained in the MMRP.

To effectively track and document the status of mitigation measures, a mitigation matrix has been prepared (see Table 2-1). This table only lists mitigation measures introduced or modified by the DSEIR. For additional mitigation applicable to implementation of the Tustin Legacy Specific Plan, refer to the document listed below:

- *2016 Annual Mitigation Monitoring and Status Report for the Final Joint Environmental Impact Statement/Environmental Impact Report (As modified by Final Supplement #1 and Addendum to FEIS/EIR)*

2. Mitigation Monitoring Requirements

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3. Mitigation Monitoring Requirements

Table 2-1 Mitigation Monitoring Requirements

Mitigation Measure		Timing and Implementation	Mitigation Compliance Responsibility	Mitigation Monitoring and Enforcement Responsibility	Status
5.1 AIR QUALITY					
AQ-2 [Revised]	Prior to the issuance of grading permits, the project applicant shall use low VOC architectural coatings for all interior and exterior painting operations.	Prior to issuance of grading or building permits	Project developer	City of Tustin Community Development Department	
AQ-5 [New]	<p>Applicants for new development projects within the Tustin Legacy Specific Plan shall require the construction contractor to use equipment that meets the US Environmental Protection Agency (EPA) Tier 4 emissions standards for off-road diesel-powered construction equipment with more than 50 horsepower during construction activities, unless it can be demonstrated to the City of Tustin that such equipment is not available.</p> <p>Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 4 diesel emissions control strategy for a similarly sized engine, as defined by the California Air Resources Board's regulations.</p> <p>Prior to construction, the project engineer shall ensure that all demolition and grading plans clearly show the requirement for EPA Tier 4 or higher emissions standards for construction equipment over 50 horsepower. During construction, the construction contractor shall maintain a list of all operating equipment in use on the construction site for verification by the City of Tustin. The construction equipment list shall state the makes, models, and numbers of construction equipment onsite. Equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations. Construction contractors shall also ensure that all nonessential idling of construction equipment is restricted to five minutes or less in compliance with California Air Resources Board's Rule 2449.</p>	Prior to issuance of grading or building permits/during construction	Project applicants and construction contractors	City of Tustin Building and Public Works Department	
AQ-6 [New]	Prior to the issuance of grading permits, the applicants for individual new developments shall evaluate localized construction-related air quality impacts. Localized construction emissions shall be evaluated to the South Coast Air Quality Management District's Localized Significance Thresholds for construction. Applicable mitigation measures to reduce potential localized construction-related air quality	Prior to issuance of grading permits	Project applicants	City of Tustin Building and Public Works Department	

3. Mitigation Monitoring Requirements

Table 2-1 Mitigation Monitoring Requirements

Mitigation Measure	Timing and Implementation	Mitigation Compliance Responsibility	Mitigation Monitoring and Enforcement Responsibility	Status
<p>impacts shall be included in the evaluation, as necessary, to minimize impacts to the extent feasible and shall be implemented. The evaluation shall be submitted to the City of Tustin for review. In addition, all recommended mitigation measures shall be noted on all construction plans submitted to the City of Tustin Building and Public Works Department for verification.</p>				
5.X TRANSPORTATION AND CIRCULATION				
<p>IA-3 [Revised]</p> <p>Prior to approval of (1) a Site Plan and Design Review pursuant to Section 4.2 of the Specific Plan, (2) a site development permit, or (3) a vesting tentative map for new square footage (not for financing or conveyance purposes), a project developer shall provide traffic information consistent with the provisions of the Specific Plan, the FEIS/EIR, and this Addendum and the requirements of the City of Tustin Traffic Engineer. The traffic information shall (a) identify and assign traffic circulation mitigation measures required in the EIS/EIR pursuant to the Phasing Plan described in Tables 4-2 and 4-3 of the Tustin Legacy Specific Plan Phasing Plan; (b) evaluate the effects of either the delay of any previously committed circulation improvements or the construction of currently unanticipated circulation improvements, and (c) utilize the circulation system and capacity assumptions within the FEIS/EIR and any additional circulation improvements completed by affected jurisdictions for the applicable timeframe of analysis.</p>	<p>Prior to the approval of (1) a Site Plan and Design Review pursuant to Section 4.2 of the Specific Plan, (2) a site development permit, or (3) a vesting tentative map for new square footage (not for financing or conveyance purposes).</p>	<p>Project Developer</p>	<p>Tustin Community Development and Public Works Departments</p>	
<p>IA-4 [Revised]</p> <p>Prior to issuance of building permits for new development within planning areas requiring a concept plan, a project developer shall enter into an agreement with the City of Tustin to (a) design and construct roadway improvements consistent with the ADT generation phasing Plan described in Tables 4-2 and 4-3 of the Tustin Legacy Specific Plan Phasing Plan and (b) address the impact of and specify the responsibility for any previously committed circulation improvements assumed in the FEIS/EIR which have not been constructed.</p>	<p>Prior to the issuance of building permits.</p>	<p>Project Developer</p>	<p>Tustin Community Development and Public Works Departments</p>	